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Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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Livelihood of indigenous Gwich´in threatened in the United States of America

On December 17 2017, the Congress of the United States of America has passed a new tax bill, the Tax Cuts and Jobs Act. This bill contained an oil and gas program according to which at least two oil and gas leases have to be put on sale until December 2024. This includes the issue of post-lease activities such as seismic and drilling exploration as well as the development and transportation of oil and gas.

Because of that, the Bureau of Land Management of the state of Alaska is planning to conduct a Leasing Environmental Impact statement for the purpose of implementing an oil and gas-leasing program in the northern part of the Arctic National Wildlife Refuge named "Coastal Plain".

To open this area up to oil and gas development would threaten the livelihood of the indigenous people, named Gwich´in, who have been living in this area for over 20,000 years in harmony with nature.

By opening, the Coastal Plain for oil and gas exploration the Gwich´in culture and people will be under threat as they have never been before. Drilling in this fragile ecosystem will endanger the Porcupine Caribou herd, for which, among a huge range of other animals, this is an important, unique and irreplaceable habitat. The Gwich´in people depend on the herd for food, clothing and craft. The caribou is a symbol for the Gwich´in people to keep on teaching the traditional skills to the young generations and pass on their cultural heritage. Therefore, a threat to the herd means a threat to the people. For the Porcupine Caribou herd the Coastal Plain is essential for calving. The calving grounds are sacred for the Gwich´in people. However, the "Arctic Refuge coastal plain terrestrial wildlife research summaries. U.S. Geological Survey, Biological Resources Divison, Biologial Science Report" from the year 2002, has found that drilling in the Arctic National Wildlife Refuge would displace the herd by 30 miles and reduce calf-survival by 8.2 percent. This would not be enough to safeguard the size of the herd, because without the calving ground the herd will not be able to reproduce. In the end, the herd would be extinct.

A displacement southwards would have severe impacts for the Porcupine herd for other reasons as well. Alternative areas have less nutrients and will endanger the herd by increased predation from grizzly bears and wolves that exist there in greater density than in Coastal Plain. The proposed main pipeline for the 1002 Area will cut through the calving grounds. While supporters of drilling argue the infrastructure and pipelines will not influence the caribou´s behavior much, the opposite has been observed. There is evidence that caribou herds do not travel under pipelines but rather stay as far as 20 miles away from them.

In addition to the danger of the drilling infrastructure for the Porcupine Caribou herd, research found that the chances of oil spills are extremely high. Leaks occur on a regular basis on offshore drilling alone, each year 880,000 gallons of oil are left in ocean waters by U.S. drilling operations. The leak in the Trans-Alaska Pipeline system where 267,000 gallons of crude oil were spilled undetected for several days shows that statements about the safety of infrastructure and monitoring systems are not reliable as advocates of drilling claim. Oil spills do happen and have severe consequences for the environment. Cleaning oil from ice as well as cleaning contaminated land and sea in Arctic conditions is extremely almost impossible. Furthermore, the drilling process itself produces so-called drilling muds. These muds contaminated with toxins such as benzene, zinc, arsenic and radioactive materials stay in the surrounding land on a long-term basis.

In the Porcupine Caribou Agreement of July 1987, the United States and Canada commit to protect the Porcupine Caribou herd, its routes and calving grounds, and warrant the participation by the Gwich´in in all processes concerning this matter. The agreement acknowledges explicitly this herd´s profound importance for the existence of the Gwich´in in traditional way of life and obliges the two countries to avoid anything that could threaten the herd or the Gwich´in. Opening the Arctic National Wildlife Refuge for drilling without the free, prior and informed consent of the Gwich´in would violate this treaty.

As stated on the website of the Bureau of Land Management, the mission of the agency "is to sustain the health, diversity and productivity of America´s public lands for the use and enjoyment of present and future generations". The opening of the Arctic National Wildlife Refuge for drilling clearly contradicts this goal. Moreover, it contradicts the goal for the international community to respect and promote the inherent rights of indigenous peoples, especially their rights to their lands, territories and resources, which they possess by reason of tradition ownership or other traditional occupation. These rights are able to give legal recognition and protection to these lands, territories and resources and to

take effective measures to ensure that no storage or disposal of hazardous materials take place in the lands of territories of indigenous peoples without their free, prior and informed consent.

Protecting the Arctic as one as the last part of untouched wilderness and a fragile and remote ecosystem is an imperative not only for the United States but also for the international community and every global citizen. To drill in the Arctic National Wildlife Refuge would mean to end the life of the Caribou Herd and will the caribous die, the Gwich'in and their way of life will die with them.

Therefore, the Society for Threatened Peoples calls upon the UN Human Rights Council to appeal to the United States government to protect the Arctic National Wildlife Refuge and all the living things within.